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* The hon. the PRESIDENT:—"I have to inform the House that with reference to Regulation II of the Regulations for the holding of elections by means of the single transferable vote, I fix 3 p.m. to-day as the time by which nominations of candidates for election to the House Committee should be sent to the Secretary."

X

THE MALABAR TENANCY BILL.[a]

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, I beg to introduce the Malabar Tenancy Bill and move that the Bill be referred to a select committee. If this motion is passed, I propose to ask the leave of the House for the appointment of more than fifteen members in addition to the Member in charge of the Bill to the select committee. If that motion is carried I shall submit to the House the names of the members to be included in the select committee.

"I am sure, Sir, that the subject matter of this Bill is well known to the Members of this House. It has been under the consideration of the Government for a great many years. It has been the subject of anxious enquiry by various distinguished Government officials from Mr. Logan and Sir William Robinson to His Excellency Sir Charles Innes, by eminent Judges of the High Court including Sir Charles Turner and Sir C. Sankaran Nayar and by distinguished non-official gentlemen from Raja Sir T. Madhava Rao to my hon. Friend the Law Member Diwan Bahadur M. Krishnan Nayar. There have been numerous Bills brought forward and the matter has been discussed at great length, but no satisfactory solution has hitherto been obtained which would meet the objections which have been raised in various directions. The last attempt to solve this knotty problem was made by my hon. Friend the Law Member whose Bill was passed by this House. But His Excellency the Governor withheld his assent because he felt that the measure would be unfair towards the janmis and that it was necessary to recognize the rulings of courts which had been in force for many decades. In communicating his refusal to give his assent to the Bill, His Excellency gave notice that the Government would take up the consideration of this matter and introduce a Bill of their own. To that end, the Government first appointed a committee of which the Chairman was Diwan Bahadur T. Raghavayya Pantulu Garu and the terms of reference of that committee were fairly wide. They began by calling upon the committee to investigate and report what disabilities, if any, were pressing hard on the tenants of Malabar in general, to what extent there had been unjustifiable evictions by the janmis in particular and how far kanamdars as such were in need of any protection. The committee was then asked to report on the best means of remedying such disabilities as the committee found really to exist and which they thought should be remedied. The Committee was asked to consider whether the disabilities cannot be removed without the grant of permanent occupancy rights and how far fixity of tenure could be secured for the actual cultivator of the soil; on whom and under what conditions permanent occupancy rights should be conferred if the grant of such rights was found to be necessary; the nature and extent of compensation that should be paid by those on whom such rights are conferred; and the effective methods which should be made available to the janmis to collect rents and other dues from those on whom such rights are conferred.

[a] Published in the *Fort St. George Gazette* on 30th July 1929 as Bill No. 9 of 1929.

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"This committee had the advantage of a large amount of material already at their disposal in the reports of former commissions and committees and the opinions of various gentlemen. They had, in addition, the advantage of taking evidence and submitting that evidence to cross-examination. After very careful and thorough enquiry, they arrived at the conclusion that the main disability pressing hard on the tenants in Malabar is insecurity of tenure. As regards the extent of unjustifiable evictions, the materials at the disposal of the committee did not prove that the evictions were either so numerous or so unjustifiable as had been represented to them by the advocates of the tenants' interests. The committee, however, thought that there had been some cases of unjustifiable evictions in the sense of evictions within the letter of the law but made for reasons other than the default of the tenant to act up to the terms of his bond. The committee also thought that, owing to the changed social and economic conditions and the feeling of estrangement that was growing between the landlords and the tenant, such evictions were likely to increase in future and that something should be done to avoid such a contingency. The remedy which the committee suggested was that the tenants should be given a qualified and optional fixity of tenure in the form and under the conditions set forth in their report. They also provided for compensation to be paid by those to whom such qualified fixity of tenure is to be given. They have also suggested methods by which the janmis could collect their rents and other dues with greater ease than at present. Certain other measures were also suggested by the committee for the purpose of promoting cordial relationship, between the janmis, the kanamdars and other tenants in Malabar and for increasing their economic efficiency.

"Now, Sir, that committee, in accordance with the request of the Government, drafted a Bill embodying their suggestions. Since that report was received by the Government, the Government have had the advantage of having a conference with the representatives of both the parties concerned. And, after lengthy discussions with both sides, this Bill which I now have the honour to introduce, has been drafted with a view to arrive at some legislation which shall be fair and equitable to both parties.

"Sir, the Government hope that the measure will now be passed into law after it has been carefully considered in the select committee. In the list of persons to be appointed to the select committee we have included representatives of both the janmis and the tenants, other hon. Members of this House from the West Coast, representatives from other parts of the presidency and representatives of all parties in this House. I feel sure that all the Members of this House will approach this problem with a sincere and earnest desire to find an equitable solution of this very difficult problem. I trust that they will approach it in no spirit of irreconcilability and that there will be nothing which will tend to render difficult our task of arriving at a measure which may be acceptable to both parties and that as a result of the deliberations of the select committee on the Bill we may be able to pass a law which will lead to the future prosperity of the inhabitants of Malabar."

The hon. Mr. M. R. SETURATNAM AYYAR :—"I second it."

* The hon. the PRESIDENT :—"The question is that the Bill be referred to a Select Committee." 12-15 p.m.

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* The MUPPIL NAYAR OF KAVALAPPARA :—"I have read this Bill with very great anxiety and I think it is a Bill which is in no way better than what was introduced by the hon. Mr. Krishnan Nayar which was vetoed by His Excellency the Governor. In the first place the renewal fee which has been fixed in the present Bill has been reduced and the janmam value has very much been lowered. For instance taking the janmam value of the land as Rs. 2,000 the kanam tenant is entitled to Rs. 125, and the balance goes to the janmi. If this Bill is passed into law, the janmam value will be only one-twelfth of Rs. 130-8-0 plus the yearly michavaram of Rs. 20, i.e., Rs. 30-14-0 and this at 20 years purchase amount will come to Rs. 617-8-0. That is to say, the loss to the janmi is over Rs. 1,200. Whereas in Mr. Krishnan Nayar's Bill the renewal fee was fixed at Rs. 150, in the present Bill it has been fixed at Rs. 130-8-0. It may be said in favour of the present Bill that it has qualified the fixity of tenure to the tenant and does not confer permanent right of tenure on the tenant which Diwan Bahadur Krishnan Nayar's Bill did, and to that extent this Bill is in favour of the janmis. As a matter of fact there is no real difference between Mr. Krishnan Nayar's Bill and this Bill, as Mr. Krishnan Nayar's Bill contained conditions for eviction and accordingly did not confer permanent right of occupation on the tenants. As regards fair rent, which has been provided, I know from the conditions in Malabar that twice the seed will be sufficient for cultivation expenses and in this Bill they have fixed it at $2\frac{1}{2}$ times which has reduced the profit that has been calculated. Apart from the calculations, I think in a measure like this which is of a confiscatory nature, the janmis ought to be adequately compensated. I do not think the compensation that has been accorded is sufficient or in any way satisfies the demand of janmis. I do not think that this Bill really proceeds on a line of compromise."

* Mr. K. MADHAVAN NAYAR :—"It is a notorious fact that the tenancy problem of Malabar is a very peculiar one and if the tenancy problem there is a peculiar one, the claims put forward by the tenants and the resistance offered by the janmis are also peculiar. While tenants everywhere else claim fixity of tenure and are given such fixity, the tenants of Malabar do not claim fixity of tenure because they know that their attempts in that direction for the last fifty years have resulted in utter failure. Their cry for fixity has been a cry in the wilderness, so much so that they have lowered their demand to the lowest possible level and a large number of them are even satisfied with protection from arbitrary eviction. In this connexion I may mention the genesis of the present Bill, and its connexion with the Bill that was drafted by the Raghavayya Committee. You know that when the Bill, which was introduced by the hon. Mr. Krishnan Nayar and passed by this Council was vetoed by His Excellency, the Government promised that they would themselves make an attempt at legislation. Accordingly they appointed a committee to enquire into the tenancy problem of Malabar, to submit a report about it and draft a Bill. The committee so appointed was so reactionary and one-sided that tenants as a class boycotted that committee. They did not appear before it and adduce evidence before it. The accredited representatives of the tenants refused to serve on that committee including my hon. Friend Diwan Bahadur Krishnan Nayar, who now honours the Treasury Bench. The result was that that committee which from the outset was prejudiced against the tenants' cause submitted

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a report and drafted a Bill, which, if passed, would have proved ruinous to the tenantry of Malabar. The tenants of Malabar naturely cried out 'Oh! Save us from such legislation.' The Government saw the force of this opposition and called a round table conference of janmis and tenants. Both the janmis and the tenants made representations before the Government and the result is the present Bill which, to some extent, is an improvement on Raghavayya's Bill. I said already that the tenants had lowered their demand considerably and at the round table conference also, they confined their demand to protection from arbitrary and oppressive eviction, not that that would be a panacea for all the evils which the tenants are labouring under in Malabar. Such protection from arbitrary eviction would at least make the life of the tenants bearable in that country. Despair on the one hand and anxiety to get some protection on the other made the tenants lower their demands and the present Bill only aims at giving such protection. Very few of the janmis in Malabar are cultivating lands themselves. The Bill does not substantially take away or materially affect any of the rights hitherto enjoyed by the janmis. The lands are cultivated either by the kanamdar or by the verumpattamdar under the janmis and such of the lands that are cultivated by the janmis themselves are not affected by this legislation. The mode of enjoying these lands by the janmis is by collecting rent every year and renewal fee every twelve years. When they recover the land from one tenant and give it to another, then too, they get nothing more than the rent and renewal fee that they have been getting from the previous tenants.

"This Bill simply places a restriction on the exercise of the power by the janmi of changing his tenant whenever he pleases. It places a check on his absolute power of evicting his tenants capriciously and vindictively. What the tenants want is that the janmis should not use their powers arbitrarily. Let the janmis take back the land for their own use. Let the janmis enjoy the lands as they have been enjoying them hitherto. Let them collect the rent and renewal fee as before; let means be devised which will enable the janmis to collect their dues promptly and regularly. Let them be given the power to collect the renewal fee, without being obliged to file suits for eviction and made liable to pay, in some cases, heavy compensation for improvments. Only, let him not dispossess a tenant for a real or fancied offence the tenant has given him or to satisfy the need or spite of a neighbouring tenant. This is the lowest demand which the tenants have made. People outside and some of my friends in my party are wondering how this tenancy legislation is going to do any good to the people of Malabar who have been agitating for tenancy legislation for half a century now. They ask and with great reason 'what is the benefit you are going to get from this legislation'. The only reply that I am able to give them is this 'It is true that we are not getting substantial benefit, but the position of the tenants is bettered to this extent that janmis can recover their lands from the tenants hereafter only when they want them for their own cultivation." That is the small benefit that we are deriving. We have suffered so much and so long that we prefer something in the place of nothing. If we go further, the Government may not give the tenants even this protection. The tenants do not want another veto by the Governor and that is the only reason which leads me in deference to the wishes of my constituancy not to oppose this Bill.

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The above remarks show that the benefits we are getting by this Bill are very little and not of a substantial character, and the loss substained by the janmis is also correspondingly very little. The only compensation which the janmis are entitled to for this slight loss is the right of speedy and prompt realization of their rent and renewal fees without having recourse to protracted and expensive litigation. Instead of fixing this as the compensation, if any compensation was necessary for the restriction placed on the power of janmis, the Raghavayya Committee went out of their way and evolved, even against the opinions and advice of some of the respectable and influential janmis of Malabar, a scheme of compensation which the Government in a modified form has accepted in its present Bill.

12-30 p.m. "Compensation must always be proportionate to the loss sustained and not more. The restrictions that have been placed upon the janmi are, I have tried to show, very small. They are not deprived of their absolute right in the land. They can enjoy the land in the same way they have been enjoying it till now. Very few janmis have been cultivating the land till now; not one janmi has realized the total produce of the land till now; they have been only collecting the stipulated rent and renewal fee; they will be collecting the rent and renewal fee hereafter also. The only restriction that is placed is on their absolute power of turning out any tenant they may please according to their whims and fancies. All the compensation that the janmis can demand for this is, as I have already stated, easy and speedy means of realizing their dues. The Raghavayya Committee thought that they were entitled to a portion of the janmam value or a substantial portion of the gross produce of the land. Accordingly, as compensation, they increased the rent and renewal fee to such an exhorbitant extent that the people of Malabar thought that they are going to be ruined for ever. That was the reason why Malabar raised such a hue and cry against the recommendations of the Raghavayya Committee.

"As a result of the Round Table Conference, the Government have done one thing The ordinary renewal fee that is collected by the janmi in those places is either one year's net rent or even less than that. This is admitted by the janmis and accepted by the Committee as correct. The Raghavayya Committee recommended three times that rent minus certain deductions. That is evidently too high and out of all proportion to the benefits conferred on the tenants. The tenants' representatives consented, in a spirit of compromise, at the Round Table Conference, to have the renewal fee fixed at the maximum rate, i.e., one year's fair rent or $1\frac{1}{2}$ times the fair rent minus the deduction proposed by the Raghavayya Committee. That was the proposal that was put by the tenants before the Government because they were anxious that they should not appear to be unreasonable in the eyes of the exacting janmis even. They put forward the maximum rate that any tenant in Malabar is now paying the janmi and that is one year's fair rent or $1\frac{1}{2}$ times fair rent minus revenue michavaram and interest on the kanam revenue. What the Government have done is to strike a medium between the recommendations of the Raghavayya Committee, i.e., three times the fair rent, and the tenants' proposals, i.e , $1\frac{1}{2}$ times the fair rent. The Government have fixed the rate at $2\frac{1}{4}$ times the fair rent instead of either 3 times or $1\frac{1}{2}$ times. I have already told you, Sir, that the rates we suggested are much higher than those generally collected by the janmis. When we made this proposal to the Government we never thought we were bargaining; we

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placed all our cards before the Government and the janmis, and indicated the maximum extent to which we can go. The Government has put it much higher in the present Bill and we fear the rates they fix will press heavily upon the people. All the same I am not opposing the introduction of this Bill. The tenants have learnt by experience that they are not going to get anything from the Government unless they lower their demands; they also believe that the Government is making an earnest attempt to solve this thorny and knotty problem in the way that seem to them best. Hence I welcome the introduction of the Bill not because I am satisfied with all the provisions of the Bill but because I believe the Government and the Council will pay heed to the reasonable representation that we may still make before them. I have made these observations somewhat in detail because there is one school which thinks that this Bill ought to be rejected altogether because it does no good. There is another school, the janmis, who put up a show of fight and try to mislead the people into thinking that this Bill will be very ruinous to the janmis of Malabar. I ask my janmi friends whether they were not satisfied with the proposals of the Raghavayya Committee. The most influential janmis of Malabar were represented on that Committee; the Raja of Kollengode was a member of the committee. If the proposals made by that committee and if the Bill drafted by that committee were not ruinous to the janmis of Malabar, may I know what are the modifications made by the Government that make the present piece of legislation so ruinous to them? That is a thing which I fail to understand. Their rights are not affected in any substantial way; they will be getting the same rent; a large body of them will be realizing renewal fees much in excess of the rates they have been obtaining hitherto. What is the material injury that this Bill causes to them is a thing which I am yet to understand. People will have to give and take. If the demands made by the tenants are reasonable and if the House is satisfied that modifications have to be made in the Bill, we hope it will surely do so. If, on the other hand, it thinks that the demands made by the tenants are unreasonable, it may reject the proposals. We shall place the whole matter before the Council, and we may assure them that we will not put forward unreasonable proposals. I therefore submit that we shall certainly not oppose the introduction of this Bill. We will try and see if the Bill cannot be modified in the Select Committee and if amendments cannot be moved in the Council so as to meet the reasonable demands made by the tenants. We are not going to propose anything revolutionary or destroy the rights enjoyed by the janmis or impair those rights except to the extent indicated above. We hope, Sir, that when the Bill emerges out of the Select Committee, it will assume such shape and form as is acceptable to the people of Malabar in general."

* Mr. J. A. SALDANHA :—" Mr. President, Sir, representing as I do the Christian community of Malabar, majority of whom belong to the kanamdar tenant classes, I may say that I welcome this Bill but with a protest against many of the provisions which are unfair. In the grant of fixity of tenure, a number of restrictions and conditions are imposed which are unjust and unworkable. I may point out as an instance that what is called fair rent is far from fair. It is calculated on materials and factors which existed long ago and it did not take into consideration the changed conditions of the present day. The renewal fee is so high, so exhorbitantly high—it is prohibitive—that it will be impossible for the kanamdars and verumpattamdars

to pay it without ruining themselves altogether. The high rate of the renewal fee is based on the compensation for the loss on the part of the landlords, the loss being the granting of fixity of tenure which had never existed according to their view. The historical facts connected with this question have been gone into over and over again and I need not repeat them now. So far as the Christian community is concerned it traces its origin from a long time past and it has been existing for several centuries. They claim to have held their lands for centuries on permanent tenure. To say that they are not entitled to permanency of tenure is a perversity of historical facts in spite of the decision of the High Court and other courts which have overlooked historical facts. The kanamdars of Malabar have protested against these decisions and they never acquiesced in their validity. What is false history and what is false law cannot become real historical facts or sound law. In this case the historical facts have been clearly maintained and upheld by majority of officers, commissioners and writers, namely, that the kanamdars have been holding their lands from time immemorial and for centuries and that their position had been recognized *de facto* by most janmis.

"I am glad that the Raghavayya Committee has laid stress on this important point, viz., the work done by the kanamdars to improve the lands and that for centuries. I may just refer to a passage in the report at page 48. 'Apart from this, the impression left on us by the evidence is that there are many cases in which kanamdars have materially contributed during a course of years towards the cost of improving the lands which they hold and even for the conversion of waste lands into cultivable ones and have materially assisted in the proper cultivation of the land.' Such service, would, in the opinion of the Committee, be necessary for a long time to come.

12-45 p.m. "In Malabar, the kanamdars have been doing a great service which no other holders of land in the country have ever done. And this must be taken into account in assessing the renewal fee. What will the janmi do without kanamdars? Kanamdars have spent enormous sums of money on the land, and they have been seeing to the cultivation of the land and have brought also large areas of land under cultivation. One argument has been advanced, a historical argument, that Parasurama having reclaimed the land from the sea, gave it to the Brahmans who then settled down there and were cultivating the land. . . ."

* The hon. the PRESIDENT:—"May I know from the hon. Member how that historical fact is relevant to the provisions of the Bill?"

* Mr. J. A. SALDANHA:—"I am explaining the fact that the kanamdars have been cultivators from ancient times, for many centuries."

* The hon. the PRESIDENT:—"Whatever be the history, it must have some relevancy to the provisions of the Bill."

* Mr. J A SALDANHA:—"The provisions of the Bill are based on a report which includes the historical fact that has been referred to. I do not want. . . ."

* The hon. the PRESIDENT:—"Does the hon. Member propose to oppose the Bill?"

* Mr. J. A. SALDANAH:—"No, Sir. I am not going to oppose the Bill. I only point this out because in the Select Committee it should not be said

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that we have tamely acquiesced in all the provisions of the Bill, and I hope in the Select Committee, our party, that is the tenants' party, will not be out-voted. I want therefore to mention the grounds, the historical facts, on which we claim that the janmis are not entitled to any compensation at all. If they are really entitled to any compensation at all, then it must be a very reasonable compensation. My hon. Friend on the other side (Mr. Muppil Nayar) who is here on behalf of the janmis has of course got indignant and says that the compensation should not be so low as provided for in the Bill. But I ask, are they entitled at all to any compensation? I do not want to weary the House with the arguments advanced by several gentlemen including my hon. Friend Diwan Bahadur Krishnan Nayar who now sits as the Law Member of Government, and I hope he has not forgotten that historical fact. My point is that the janmis are not entitled to any compensation at all. They have not spent a single pie on the land, they have not paid for the improvements in the land. It is the kanamdars who have been existing in Malabar from before the time of Parasurama, long before the janmis came and settled in Malabar and it is they that have spent all the money and all their energies for the improvement of the land. These two factors, that is, firstly that they have been in possession of the land from time immemorial and secondly that they have spent all their money on the improvements to the land, should be taken into consideration. As a matter of fact, the janmis should be thankful that the land yields anything at all; and that is due to the efforts of the kanamdars. If the provisions of the Bill are to be enforced, many of the kanamdars will leave the land which will be left to the janmis themselves, and these kanamdars will migrate from the country, the fairy land of India, the most beautiful district of India. If the provisions of the Bill are enforced, such a beautiful fairy land will become unfit for human beings to live in. I therefore appeal, Mr. President, and through you to the House, to bear the historical facts, the economic facts and the human facts in mind and change and alter the harsh and hard conditions under which alone fixity of tenure is to be granted to these tenants. I am sure at the same time that our janmi friends in their own interests, will modify and reduce their claims considerably and that the Bill will come out of the Select Committee considerably altered, in the interests both of the janmis and of the cultivating classes.

"There are one or two other points. One is that what is granted with the right hand apparently in a generous manner is taken away by the left in the way evictions will be allowed especially if a landlord wants a holding for himself or for relations. The other point is that this Bill, as has been pointed out by the public Press, will lead to an excessive amount of litigation. It looks as if the provisions of the Bill have been made with a view to increase litigation and with a view to create a necessity for appointing a large number of judicial officers. I am sure our Law Member will be framing a big budget for the next year for the appointment of a good number of judicial officers for dealing with this question of fair rent and unfair rent. My suggestion in order to save vagueness, uncertainty and puzzles and the consequent wasteful litigation is—and it was also accepted when the last Bill was brought forward by Diwan Bahadur Krishnan Nayar—that the rent or payment of dues should be based on a multiple of the assessment. As a matter of fact, the Committee have fixed, in the case of dry lands, what is called a fair rent at five times the assessment."

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* The hon. the PRESIDENT :—" These are all matters of detail for the Select Committee."

Mr. J. A. SALDANHA :—" I only give an illustration, Sir. If that can be done in the case of all lands, I say all litigation can be avoided, by fixing the rent or renewal fee on the basis of the assessment, that is, a multiple of the assessment. That is my humble suggestion, and I hope our friends on the Select Committee will be able to find a formula for fixing the rent or renewal fee on intelligible and easily understandable bases. Sir, you have only to read the provisions about 'fair rent', and unless you are a clever mathematician, you will be puzzled with the large number of figures, two-thirds plus and one-third minus, and all that. The calculations contained there are all puzzling to an ordinary mathematician. How much more puzzling will it be in the case of uneducated people? We should make laws, Sir, that are really intelligible to the man in the street; we should not make laws unintelligible or difficult to understand, making the people every time go to a lawyer. The lawyer himself will then be puzzled and that same puzzle will be experienced by the District Munsif, the appellate Court and the High Court. Such calculations as are contained in this Bill will be a puzzle even to a lawyer with mathematical qualifications. I therefore say that some sort of formula must be found in order to avoid this catastrophe of legislation."

* Mr. K. P. RAMAN MENON :—" Sir, I do not want to join in the pessimistic note that has been struck by both the previous speakers, Messrs. Kavalappara Moppil Nayar and Saldanha. I certainly congratulate the Government on their sympathetic attempt to tackle this question. Ever since the date when the first Commission was appointed to enquire into the agrarian troubles in Malabar, this subject has been in one form or another before the public. Various committees and commissions have sat upon it and various eminent lawyers and gentlemen have pronounced their opinions on this matter, and Government have after all seen their way to settle the question. I am really thankful to them for it. No doubt, I do not agree with very many of the provisions that are in there, with reference to the renewal fees for example and other things; but this is not the time or the place to enter into details. We shall have to do it later on; but on the whole I must say that the measure which the Government have formulated from out of the materials that have been placed before them is fairly satisfactory. I have great pleasure in supporting the motion, and I think my hon. friends, after the Bill has been considered by the Select Committee and when it comes back to the Council, will find it much more acceptable both to the janmis and to the tenants, and that this House will pass it."

* Mr. K. KRISHNAN :—" Mr. President, Sir, I did not intend to speak at this stage, because I do not think a speech is necessary for commending this motion to the House. But my hon. friend Mr. Madhavan Nayar made some reference to the Raghavayya Committee of which unfortunately I am the only Member now in this House who can either speak for them or against them. Some of the provisions of the Committee—of course it is not possible for me at this stage to give out the confidence that has been reposed in us as Members of the Committee—are not quite satisfactory; but I must say that the kanam tenants of Malabar were not well-advised in boycotting the Committee. I myself, a tenants' man, was astonished at that, as I wanted to do my very best for the tenants of Malabar; but since the kanam tenants actually boycotted the Committee, there was not sufficient material

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for me at any rate—probably my friend Mr. Madhavan Nayar has material from out of which he could evolve a better scheme—on which I could put forward the claims of the tenants, and on that account I was considerably handicapped. Then, another difficulty was that on account of the want of sufficient materials, the question became more or less personal. And then, added to it, there was this difficulty which I had to face. . ."

* The hon. the PRESIDENT:—"I am not able to understand how the difficulties which the Members of the Raghavayya Committee faced are relevant to a discussion on the provisions of this Bill."

* Mr. K. KRISHNAN:—"I do not enter into that at all, Sir. All that I say is that, as my friend has been criticising the Committee, I also would like to. . ."

* The hon. the PRESIDENT:—"I am sorry I cannot allow it."

* Mr. K. KRISHNAN:—"Then, Sir, I shall not say anything about that. All I wish to say is that a great deal of improvement has been made in the Bill on the report of the Committee, and evidently greater improvement in other particulars has also to be made in the Bill so as to make it acceptable to the tenants, especially in regard to the raising of the rent from kuzhikanam tenants which requires careful consideration at the hands of the Select Committee to be appointed by this House. I only wanted to say a few words in justification of the Committee, but since the hon. the President thinks that it is not in order at this stage, I do not wish to proceed further on that point."

* The hon. the PRESIDENT:—"I do not think it will be in order at any stage of the Bill."

* Mr. K. KRISHNAN:—"I have therefore great pleasure in supporting this motion."

* Mr. K. UPPI SAHIB:—"Mr. President, Sir, this agitation for a tenancy legislation in Malabar is, I think, older than many of us in this House. It will be merely a waste of time to repeat the reasons and arguments for this legislation. Long, long ago, Government found, after due enquiry, that the occasional Mappilla outbreaks in Malabar were due to agrarian discontent in the country, that they were due to the oppression of the tenants by the janmis of Malabar. It will really be a sight for angels to see that the jenmis in this House fight each other, drawing swords against each other. I am myself a janmi, though not as big a janmi as my hon. Friend on the other side. I only say that if we or our forefathers had behaved as well as we wish they and we had, then this agitation would not have come to this stage.

"I only warn my hon. Friends on the other side to show mercy to the tenants. We are not going to be destroyed at one stroke or Malabar is not going to be aflame by this tenancy legislation. Let us therefore at this stage, not oppose this Bill, but allow it to pass to the Select Committee and then we can make amendments, additions, subtractions and all such things as we can do. So far as this Bill is concerned, I have to say only this much. The janmis can evict tenants under certain safeguards, but those safeguards are only illusory. I only request the Government to introduce more stringent conditions on janmis against the eviction of tenants. Though 1 p.m.

[Mr. K. Uppi Sahib] [6th August 1929

there are provisions for evicting tenants, the provisions that are provided in the Bill are quite insufficient and require more stringent conditions. With these words, I support this Bill."

* Mr. S. ARPUDASWAMI UDAYAR :—" Mr. President, Sir, I rise to support this Bill. I was surprised to hear even the janmi representative opposing the Bill stating that there are conditions in it which are confiscatory and that this measure is no better than the one introduced by my hon. Friend the Law Member and that in certain respects the Bill introduced by the hon. Diwan Bahadur Krishnan Nayar was even better than the present one. On the other hand, I know what the feeling in the country was at the time this committee was constituted and I know some hon. Members even gave expression to it, namely, that the interests of the tenants were not adequately represented on that committee. In his introductory speech, the hon. the Revenue Member stated that because the rights of janmis were not respected in the measure as finally passed by this Council, the Government had to withhold its assent. Sir, without going into the details of the committee which was constituted for the purpose of safe-guarding the rights of janmis, a Committee which was not very favourable to the claims of tenants, as my hon. Friend stated, a Committee which was boycotted by one section, namely, the kanamdars, if the Committee constituted for being fair to janmis found it necessary to embody the provisions opposed to the tenants, the only inference that is possible is that the position of tenants in Malabar and the agrarian problem which my hon. Friend Mr. Uppi Sahib referred to, call for legislation of a very drastic kind. That is the only inference that is possible, as my hon. Friend contended, especially my hon. Friend Mr. Saldanha who put up a bold fight on behalf of the Indian Christian kanamdars, that some of the rights of janmis may be shadowy and that they should be removed, that the rights of kanamdars are real and substantial and that they have been overlooked. These are all things which will certainly be considered by the Members of the Select Committee and when the time comes for amendments to be moved, I believe, all those who feel for the tenants will put up a bold fight and see that their grievances are fully redressed. Therefore, Sir, I do not think that my hon. Friends, the janmi representatives, are justified in opposing this measure. It is a pity that so many years have been wasted and all efforts to improve the conditions of the tenants, unfortunately owing to this kind of opposition, have not borne any fruit and have not yielded any satisfactory results. So, the time has now come when this House should support this measure and see that the problem in Malabar is fully and adequately solved."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I feel very much encouraged by the speeches which have been made to-day and hope that we shall have successful results from the deliberations of the Select Committee. It is true that my hon. Friend Muppil Nayar expressed some apprehension on the part of the janmis, but I wish to invite his attention to the views of the Government as set out in the Statement of Objects and Reasons, namely, that, the Government are therefore of opinion that any future attempt at legislation should take that night as a settled fact and proceed on the basis thereof. As a corollary to that proposition, they think that any attempt to take away the rights of the janmis in any substantial way, whether it be by the grant of permanent occupancy rights or otherwise, should be accompanied by adequate provision for reasonable compensation

being paid to the janmi.' That I think should safeguard the reasonable interests of the janmis. On the other hand, while, ' this has to be conceded to the janmi, the Government are also of opinion that in the case of homesteads at least, there is urgent necessity for creating security of tenure, that the claim of the actual cultivator of the soil for fixity of tenure and security from arbitrary evictions must be viewed with considerable sympathy and that every possible attempt should be made to secure this to him in so far as it can be reasonably done without injustice to the janmis." I feel sure that any representations which may be made on either side that the provisions of the Bill are unreasonable will be carefully considered. I would also point out, as some hon. Members referred to matters of detail in support of their criticisms of the Bill, that those details will receive very careful consideration by the Select Committee I therefore move that this Bill be now referred to a Select Committee."

The hon. the PRESIDENT :—" The question is that the Bill be referred to a Select Committee."

The motion was put to the House and carried.

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, under Standing Order No. 40, the Member in charge of the department to which a Bill relates is a member of the Select Committee on the Bill and the number of other members that may be nominated to the Select Committee shall not without the leave of the House exceed 15. In order that the Select Committee may be constituted in the manner which I have indicated in my opening speech it is necessary to exceed that number. I therefore move, Sir, that leave be given to refer the Bill to a committee consisting of more than 15 members exclusive of the mover."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second the motion, Sir."

The motion was put to the House and carried.

The hon. Mr. A. Y. G. CAMPBELL :—" I beg to move, Sir, that the Bill be referred to a Select Committee composed of the following Members :—

1. The hon. Diwan Bahadur M. Krishnan Nayar,
2. The Advocate-General,
3. Mr. K. R. Karant,
4. Mr. K. Madhavan Nayar,
5. Mr. K. Uppi Sahib,
6. Mr. J. A. Saldanha,
7. Mr. S. Satyamurti,
8. Mr. T. Adinarayana Chettiyar,
9. Muppil Nayar of Kavalappara alias Kumaran Raman,
10. Rao Bahadur O. M. Narayanan Nambudripad,
11. Mahmud Schamnad Sahib Bahadur,
12. Mr. A. B. Shetty,
13. Khan Sahib T. M. Moidoo Sahib Bahadur,
14. Rao Bahadur Sir A. P. Patro,
15. Rao Bahadur B. Muniswami Nayudu,
16. Diwan Bahadur S. Kumaraswami Reddiyar,
17. Mr. A. Ranganatha Mudaliyar,
18. Mr. K. P. Raman Menon,

19. Mr. C. Gopala Menon,
20. Mr. F. E James,
21. Mr. K. Krishnan,
22. The Mover (The hon. Mr. A. Y. G. Campbell),

and that they may be asked to make their report not later than the 25th September 1929."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second the motion, Sir."

The motion was put to the House and carried.

* The hon. the PRESIDENT :—" I appoint Mr. B. Muniswami Nayudu, one of the Members of the Panel of Chairmen, as the Chairman of the Committee."

XI

THE MADRAS SERVICES COMMISSION BILL.

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, I beg to present the report [a] of the Select Committee appointed to consider the Madras Services Commission Bill and move that the Bill as amended by the Select Committee be taken into consideration."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second the motion, Sir."

* Mr. S. SATYAMURTI :—" Mr. President, Sir, I beg to move—

'*that this business be adjourned for a year.*'

" I make this motion, Sir, after very careful and anxious consideration of the implications of the Bill and of this adjournment motion of mine. My first submission to this House, Mr. President, is that, as the Delegation Rules stand to-day, they are so inconsistent and so indefinite in scope in deciding the purposes for which this Public Services Commission should be constituted, that it will be well worth the while of this House to wait for a time—which must now be very short—when all these rules which are now thrown in the melting pot will emerge in a better and more suitable form, and when this House will be able to set up such a Public Services Commission, as has been set up in other democratic and self-governing countries. Sir, no doubt, at one time, I had very serious doubts about whether this House had the power to enact a measure of this kind ; but both as a lawyer and as a politician I felt that it was not right that I should object to the competence of this House to legislate on such matters. I venture to submit to this House certain arguments based upon the nature of the statutory power, under which this Bill is sought to be introduced, and to ask this House to wait for a while, when we can have our powers clearly and satisfactorily defined. Sir, section 96-B of the Government of India Act of 1919 is the parent section under which this Bill is sought to be placed before this House. That Act says (I read from
1-15 p.m. page 80 of Volume I of the Council Manual) :

'The Secretary of State in Council may make rules for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to local Governments or authorize the Indian Legislature or local Legislature to make laws regulating the public services.'

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[a] Printed as Appendix IX on pages 115-133 infra.